

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

10X GENOMICS, INC. and THE BOARD OF  
TRUSTEES OF THE LELAND STANFORD  
JUNIOR UNIVERSITY,

Plaintiffs,

v.

PARSE BIOSCIENCES, INC.,

Defendant.

CIVIL ACTION  
NO. 22-1117

**ORDER**

**AND NOW**, this 21st day of February 2025, upon consideration of Plaintiffs’ Motion in Limine to Preclude Defendant from Offering Evidence of Defendant’s Licensed Patents (Doc. No. 297-17), Defendant’s Response in Opposition (Doc. No. 297-17 at 5), Plaintiffs’ Reply (Doc. No. 297-17 at 11), the arguments of counsel for the parties at the hearing held on February 19, 2025, and in accordance with the statements made by the Court at the Final Pre-Trial Conference held on the same day, it is **ORDERED** that Plaintiffs’ Motion in Limine to Preclude Defendant from Offering Evidence of Defendant’s Licensed Patents (Doc. No. 297-17) is **GRANTED IN PART AND DENIED IN PART**.<sup>1</sup>

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<sup>1</sup> In Plaintiffs’ third Motion, they seek to preclude Defendant from offering evidence that Defendant has its own patents and also to preclude Defendant from comparing the products of Plaintiffs and Defendant at trial.

To prove infringement, the accused product may be compared to the claims made in the allegedly infringing patent. Amgen Inc. v. Hoechst Marion Roussel, Inc., 314 F.3d 1313, 1347 (Fed. Cir. 2003.) However, “[t]he existence of one’s own patent does not constitute a defense to infringement of someone else’s patent.” Bio-Tech. Gen. Corp. v. Genentech, Inc., 80 F.3d 1553, 1559 (Fed. Cir. 1996).

At the Final Pre-Trial Conference, the parties agreed that Defendant may not introduce evidence of its patents in order to show that Defendant did not infringe the Giresi patents. Therefore, the

BY THE COURT

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.

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Motion will be granted to the extent that Defendant may not introduce evidence that there is no infringement because Defendant has its own patents. However, as noted, an accused product may be used at trial to prove there was no infringement.

However, the Motion will be denied without prejudice because Defendant may compare its products to Plaintiffs' products for the purposes of mitigating damages.